

**MINORITY MEDIA AND
TELECOMMUNICATIONS COUNCIL**

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DEC 19 2002

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Hon. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Ms. Dortch:

RE: MM Docket No. 98-204 (Broadcast
and Cable EEO Rules)

Pursuant to 47 CFR §1.1206, this will disclose that in connection with these permit-but-disclose proceedings, the Minority Media and Telecommunications Council ("MMTC") had a meeting on November 21, 2002 in the Office of Commissioner Copps. Present at the meeting were Alexis Johns, Esq., Legal Advisor to Commissioner Copps, and myself on behalf of MMTC. The meeting concerned issues that might form the basis for an appeal of the Second R&O in the proceeding, which had been released the previous day. */

*/ Leave is respectfully requested to accept this letter notwithstanding its late filing. The undersigned erroneously believed that discussions regarding appealability of issues are not covered by permit-but-disclose; however, upon checking with O.G.C. it appears that this exemption is limited to discussions with O.G.C. itself.

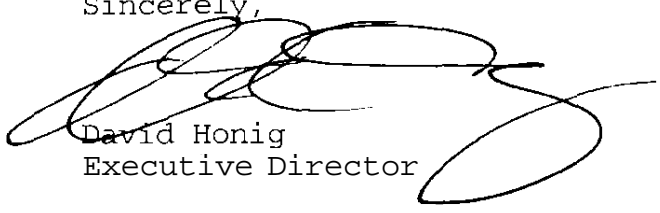
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The issues raised were:

1. Whether the Commission erred by omitting a discussion of the need to promote diversity and competition and to remedy the effects of past discrimination.
2. Whether the Commission erred by failing to address an empirical study which showed that 15-36% of broadcast or cable companies discriminate intentionally, and by omitting a discussion of the record's anecdotal evidence of discrimination and of EEO "backsliding" (e.g. deletion by many broadcasters of "EOE" tags on job notices).
3. Whether the Commission erroneously suggested that statistical data cannot and will not be used as evidence of intentional discrimination, notwithstanding clear Supreme Court precedent to the contrary.
4. Whether the Commission erred by exempting stations operated by nonlicensees under an LMA. See Second R&O, ¶147.
5. Whether the Commission erred by suggesting that newspaper advertisements for a general manager would ensure "wide dissemination reasonably calculated to reach the entire community." See Second R&O, n. 147.
6. Whether the Commission erred by creating a "small market exemption" grounded on a population size cap for which no basis is found in the record. See Second R&O, ¶170.

An original and two copies of this letter are being filed with the Secretary.

Sincerely,



David Honig
Executive Director

cc: Alexis Johns, Esq.

/dh